

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

JUDITH A. WAGNER, Chapter  
11 Trustee of the bankruptcy estate  
of the Vaughan Company, Realtors,

Plaintiff,

v.

**Master Case No. 12-CV-00817-WJ-SMV**  
**Case No. 13-CV-00662-WJ-SMV**

RICHARD JOHNSON, and  
CHERYL JOHNSON,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION (I)**  
**TO COMPEL RESPONSES TO THE TRUSTEE'S FIRST REQUEST FOR**  
**ADMISSIONS, INTERROGATORIES AND REQUESTS FOR PRODCUTION TO**  
**DEFENDANTS RICHARD JOHNSON AND CHERYL JOHNSON AND (II) FOR**  
**ATTORNEYS' FEES**

This matter came before the Court upon Judith A. Wagner, the Chapter 11 Trustee's (the "Plaintiff's") *Motion (I) to Compel Responses to the Trustee's First Request for Admissions, Interrogatories and Requests for Production from Defendants Richard and Cheryl Johnson and (II) For Attorneys Fees*, filed May 5, 2014 (Docket No. 845) (the "Motion"). The Court held a final hearing on the Motion at 1:30 p.m. on July 8, 2014. Askew & Mazel, LLC (Edward A. Mazel) appeared for the Plaintiff, and Albuquerque Business Law, P.C. (Jeremy Theoret) appeared on behalf of Richard Johnson and Cheryl Johnson (together, the "Defendants"). In her Motion, the Trustee requested, *inter alia*, an order compelling the Defendants to provide complete and accurate answers and/or responses to Plaintiff's Discovery Requests, (ii) awarding the Plaintiff her reasonable expenses incurred in obtaining such an order, including attorney's fees, and (iii) for all other just and proper relief. On May 20, 2014, the Defendants filed a response opposing the Motion (Doc. No. 868).

WHEREFORE, IN ACCORDANCE with the Court's ruling at the final hearing,

IT IS ORDERED that Defendant must provide full and complete responses to Interrogatories No. 1-4 and Requests for Production No. 1-2 to the Plaintiff by **August 4, 2014**, including copies of any and all documents supporting the Defendants' contentions.

IT IS FURTHER ORDERED that the Motion is denied with respect to the Requests for Admission.

IT IS FURTHER ORDERED that the request for attorneys' fees contained in the Motion is denied, and each party shall bear its own fees.



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HONORABLE STEPHAN M. VIDMAR  
UNITED STATES MAGISTRATE JUDGE

Submitted by:

ASKEW & MAZEL, LLC

By: /s submitted electronically

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Approved by:

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By: approved via email on 07/09/2014

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